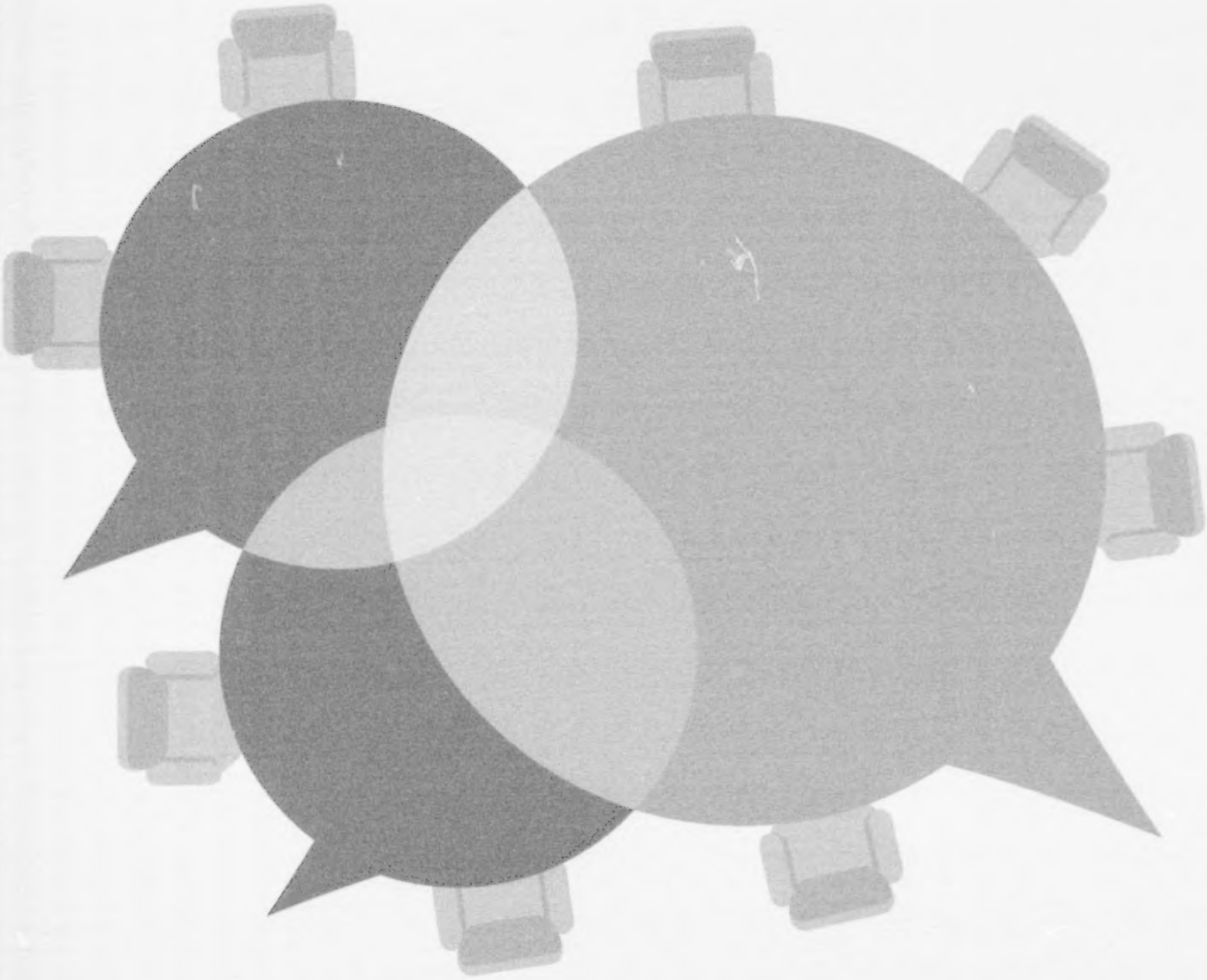

SAFE WORKSPACES

Starting a Dialogue and Taking Action on Harassment in the Public Service

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Cette publication est également disponible en français :
Milieux de travail sains : entamer un dialogue et prendre des mesures pour lutter contre le harcèlement dans la fonction publique

CP22-166/2018E-PDF
ISBN : 978-0-660-27445-4

Government of Canada Gouvernement du Canada

Canada

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MESSAGE FROM THE CLERK

There has been an important discussion across Canadian society on the issue of harassment, civility and respect in the workplace. As Canada's largest employer, the Core Public Administration is not immune from inappropriate workplace behaviours.

Public servants have the right to work in an environment where they are treated with respect, dignity and fairness. It is our obligation as leaders and colleagues to ensure that harassment is never tolerated.

When harassment does occur, we must work together to identify it and root it out. If we observe inappropriate behaviour in the workplace, we need to speak up, offer support or seek advice. Eliminating workplace harassment is essential to ensuring a healthy and effective Public Service.

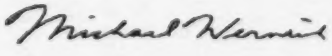
In the spring, I asked a *Deputy Minister Task Team on Harassment* to undertake a targeted review of our harassment framework and to identify actions that will better support employees. I specifically asked the Task Team to contemplate what actions we could take within our existing legal and policy framework, and in the context of Bill C-65, which is currently being considered by legislators.

I joined Task Team members in listening sessions with public servants, who brought a diversity of perspectives on this issue. We heard about existing challenges, efforts underway and good ideas of actions we could take. What we heard in these sessions has shaped my views, and the Task Team's recommendations.

Our work on this issue must continue. These proposed actions are one step towards a harassment-free workplace. I see this report as the start of an ongoing dialogue.

As such, I encourage you to continue this dialogue in your own organizations, and within your teams. Have open and honest conversations about the types of workplaces you want. Where are we getting it right, and where are we falling short? What approaches make the most sense for your department or agency? Your ideas and perspectives are important.

I would also like to hear your voices on this issue. Please take the time to read the report, and share your ideas and views with me by emailing info@pco-bcp.gc.ca.



Michael Wernick
Clerk of the Privy Council
and Secretary to the Cabinet

INTRODUCTION

The Public Service of Canada is a values-driven organization.

Upon joining the Core Public Administration,[1] employees commit to treat all people with respect and dignity. Equally, public servants expect that their organization and colleagues will treat them in a manner that is in keeping with these values. That means providing a safe and healthy work environment that is free from all forms of harassment and inappropriate behaviours.

We know, however, that these troublesome behaviours persist in our organizations. In the 2017 Public Service Employee Survey, 18% of public servants indicated that they have been the victim of harassment on the job in the past two years. This number can be much higher for specific groups. For example, members of some employment equity groups, and employees in specific operational roles are more likely to indicate they have been harassed. Unacceptable behaviours range across a spectrum from incivility, bullying and intimidation to sexual harassment and forms of physical violence.

We are acutely aware that many cases of workplace harassment are never reported. It can be difficult for victims of any form of harassment to come forward. Victims may not know who to turn to, do not always feel safe, and, in many cases, fear reprisal.

We have an obligation, as an organization, to look at our approach to preventing harassment, supporting victims and responding to allegations. If there are gaps in our approach, we need to take action to improve.

Our Task

It is in this context that the Clerk of the Privy Council, as Head of the Public Service of Canada, asked us to identify actions to meaningfully improve our approach to preventing workplace harassment, and to addressing it when it arises.

We spent the last three months looking at our policies, processes and tools. We looked at departments and agencies with promising practices and we considered how they could be expanded government-wide. We built on the extensive work of the *Joint Union/Management Task Force on Diversity and Inclusion in the Public Service*, the *Interdepartmental Circles on Indigenous Representation*, and the *Persons with Disabilities Champions and Chairs Committee* to engage specific communities of public servants on their unique challenges.

We listened to the experiences and ideas of human resources professionals, young employees, persons with disabilities, managers, executives, and deputy ministers.

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[1] Core Public Administration refers to departments named in Schedule I and the other portions of the federal public administration named in Schedule IV of the *Financial Administration Act*.

What We Learned

The Core Public Administration has a comprehensive legislative and policy framework in place, supported by strong institutions and resources (Annex A). This framework would be further strengthened by Bill C-65, which would, once implemented, reinforce the Treasury Board of Canada Secretariat's policy on harassment prevention and resolution.

A new Centre on Diversity, Inclusion and Wellness, supported by investments in Budget 2018, will provide leadership and integrated support to departments and agencies in creating safe, healthy, diverse and inclusive workplaces. It will support public servants in dealing with harassment in their workplaces.

Bargaining agents also play a vital role in preventing harassment and supporting employees.

We heard that there are things we can do better. In the report that follows, we share what we heard, and identify targeted actions to strengthen our approach.

Put together, our collective recommendations aim to *prevent* harassment from happening, *respond* to situations in which harassment has occurred, and, importantly, *support* victims of harassment.

> "Our collective recommendations aim to prevent harassment from happening, respond to situations in which harassment has occurred, and, importantly, support victims of harassment."

Our recommended actions are captured under five themes:

- Support for employees: Provide advice, tools and resources to help all employees to prevent and resolve conflicts, to feel safe to bring forward issues and complaints, and to navigate what can be a complex process;
- Leadership: Leaders at all levels to demonstrate commitment to a workplace that is free from harassment, reinforce a respectful organizational culture, and take action when inappropriate behaviour occurs;
- Improving response capacity: Make it easier to identify and engage expertise to support public servants;
- Skills development and best practices: Provide employees and managers with training and support to better understand what the spectrum of harassment looks like and the roles public servants play in creating civil and respectful workplaces; and
- Making use of our data: Improve our line of sight into what is happening in our organizations to inform action.

These actions are designed to contribute to timely, meaningful improvements to support the needs of all employees.

We recognize that implementing these actions will look different for each organization. Some departments or agencies have already put in place mechanisms, to good effect. In these cases, there is an opportunity to learn and adopt these approaches more widely.

For other actions, organizations may want to hold their own conversations on approaches that are tailored to meet the needs of their employees.

The conversation about harassment is a difficult but necessary one. We would like to extend our appreciation to the many public servants who have taken the time to share their experiences, insights and ideas on how to best tackle this challenge.

SUPPORT FOR EMPLOYEES

Employees who are subject to workplace harassment often face challenges in accessing information and advice that can help them bring forward their experiences to have the situation addressed. Many public servants who are victims of harassment do not bring forward complaints. This underlines the need to strengthen the way in which we support employees who feel they are the victim of harassment.

What we heard

- The systems for addressing harassment can be difficult to navigate and public servants often do not know where to go for advice or information.
- Victims indicate that they are hesitant to come forward with harassment complaints for a number of reasons:
  - They don't believe it would make a difference;
  - They don't know how to begin the process;
  - They think that the harassment they are exposed to is "not bad enough;"
  - They are concerned about what can be a lengthy, arduous process; and
  - They fear reprisal or social repercussions.
- Managers need practical advice and a better understanding of the resources available to them to support their employees.

Recommended actions

- Departments to put in place an Ombuds-type function to provide all employees with a trusted, safe space to discuss harassment without fear of reprisal and to help navigate existing systems. For smaller departments and agencies, this could take the form of shared access to an Ombuds-type resource. The model would be custom-fit to each organization, with accessibility by front-line employees in mind.

> "... an Ombuds-type function to provide all employees with a trusted safe space to discuss harassment without fear of reprisal and to help navigate existing systems."

- Ombuds-type offices would provide:
    - A confidential, impartial environment for employees and managers to have informal conversations on harassment;
    - Resources, tools and supports;
    - A venue to explore options for resolving workplace issues, including harassment; and
    - Referrals to other services, including for restoring workplaces after harassment has occurred.

  Target timeline: March 2019

- Departments to make available easy-to-access guides to support victims, bystanders and managers when they experience or witness workplace harassment.

  Target timeline: commencing in Winter 2018–19

- To address concerns over confidentiality in the process, Treasury Board of Canada Secretariat to develop and publish information and provide guidance on requirements for privacy and disclosure, best practices for protecting the names of parties in the context of a complaint, and best practices for the sharing of anonymized accounts and consequences.

  Target timeline: commencing immediately

What will success look like?

- Employees are able to quickly and easily locate points of contact to seek advice and support.

- Victims, managers and bystanders will know where to find easy-to-understand information on addressing workplace harassment and the options and resources available.

- Employees feel safe and comfortable bringing their concerns forward.

- Complaints related to harassment are expected to increase initially as more people feel safe coming forward.

Public servants look to their leaders—at all levels—to set clear expectations and the tone for the organization. Strong leadership, through words and actions, sends a message on priorities, and helps victims of harassment to feel safe and supported in coming forward. Leaders are positioned to gauge whether the organizational culture enables harassment or minimizes it. They can ensure the right context-specific tools and processes are in place, and take corrective action to improve their organizational approach where needed.

What we heard

- When senior leadership sets clear expectations and priorities, as it has in recent years with addressing workplace mental health in the Public Service, it creates an enabling environment for healthy workplaces.

- Leaders have an opportunity to start a workplace dialogue to help lift the stigma of discussing workplace harassment.

- Employees lose confidence in the harassment response process when there are no visible consequences for harassers, and employees lose trust that complaints will produce meaningful corrective measures.

- Managers need to feel that they have the support of their leadership as they work to foster a culture of respect in their teams, and to intervene when incidents of harassment arise.

Recommended actions

- Public Service leaders, at all levels, to communicate their expectations and priorities on addressing harassment.

    - Leaders to engage regularly and consistently.

  Target timeline: commencing immediately and ongoing

- Deputy Heads, working closely with their heads of human resources, to advance organization-specific initiatives to prevent harassment in the workplace, and to make regular improvements to their approach, informed by employee input. To help in this process, Deputy Heads to include a standing item on harassment to their joint union-management committee meetings.

  Target timeline: commencing immediately and ongoing

- Deputy Heads to issue a public annual report on how their organization has prevented and resolved workplace harassment, including:
    - prevention activities;
    - number of complaints and remedies, including trend analysis;
    - consequences for types of behaviour (e.g. through anonymized accounts, a published grid on types of consequences); and
    - approaches to restoration of workplaces following harassment complaints.

  Target timeline: commencing Spring 2019

- Deputy Heads to ensure all letters of offer to executives emphasize that respectful conduct is a condition of employment and findings of harassment will result in corrective and/or disciplinary action.

  Target timeline: commencing immediately

What will success look like?

- Public servants recognize that preventing and addressing harassment is a leadership priority.
- Public servants have a clear understanding of how their organization is performing.
- Public servants are aware of the nature of the outcomes of formal processes, and the consequences for harassers are implemented in such a manner that fully respects privacy requirements.
- All managers of teams understand their role in creating respectful workplaces and intervening when unacceptable behaviours are observed.

IMPROVING RESPONSE CAPACITY

When workplace harassment occurs, departments engage a range of internal and external resources to respond. The ability to identify and engage high-quality expertise in a timely manner can ensure that the response process is not prolonged unnecessarily, and that individuals and teams are supported at each stage of the response continuum.

What we heard

- Informal conflict management can be effective in establishing a common language to have difficult discussions, and to address issues before they become more serious. It is important to raise the profile of these types of services and other options available to facilitate earlier intervention.

- Some employees going through the response process—both the victim and alleged harasser—can feel isolated during a time of anxiety. Providing access to a neutral third party could help support employees.

- The process for hiring investigators can be lengthy, in part due to lack of availability of investigators on the Standing Offer List, and time required to identify and procure services from outside the list.

- Past harassment incidents can affect workplace morale long after the incident has been addressed. Following a case of harassment, more work should be done on restoring the health of the team.

Recommended actions

- Treasury Board of Canada Secretariat, through the Centre on Diversity, Inclusion and Wellness, to establish a working group of departmental advisors, informal conflict management practitioners, employee assistance program representatives and others to:
    - increase interdepartmental collaboration and identify, consolidate and share best practices. This activity would accelerate adoption of proven approaches to preventing and addressing harassment, and restoring the workplace. The GCTools platform is well placed to support this collaboration;
    - build departmental capacity and skills;
    - partner with the Canada School of Public Service to enhance training; and

- report annually on a government-wide basis on prevention and response to workplace harassment.

Target timeline: Fall 2018

- Treasury Board of Canada Secretariat and Public Services and Procurement Canada to identify improvements to the procurement process for investigative services, with an aim of facilitating the timely procurement of high-quality investigators.

Target timeline: ongoing

What will success look like?

- Departmental experts on harassment work collaboratively across the government to improve their approaches, skills and practices.

- Departmental advisors are able to identify and access quality services through the continuum of harassment prevention, response and restoration.

- The Standing Offer List of investigators is strengthened through new approaches, such as a rolling procurement process and more robust evaluation of services provided.

SKILLS DEVELOPMENT AND BEST PRACTICES

Training helps to equip employees with a common understanding of what harassment looks like, the ability to recognize it when it occurs, and the practical tools to take action before issues escalate. It helps to establish a culture where harassment is not tolerated and creates a shared language for dialogue.

What we heard

- Employees and managers indicated that they would like access to robust, dynamic training. Training needs to be adapted to the context, with potential adaptations for regional needs, as well as public-facing and operational roles.

- Employees expressed an interest in workplace dialogue on bullying and harassment, including conversations led by colleagues or external service providers who are trained in conflict management.

- Managers indicated a need for training on how to handle difficult conversations and conflict management, including practical advice for real-world situations.

- A number of people expressed interest in tools or training on how they can speak up or offer help to their colleagues when they witness harassment taking place.

- For employees with disabilities, harassment incidents often stem from failure to provide the needed accommodations, which prevents the employee from being able to fully participate and contribute in the workplace.

Recommended actions

- The Canada School of Public Service, in partnership with the Office of the Chief Human Resources Officer, to develop practical conflict management training for managers, accessible to front-line managers. Training to include opportunity for managers to share their own experiences in addressing harassment.

  Target timeline: launch by December 2018

- The Canada School of Public Service to develop training for all employees on respectful workplaces and how to recognize behaviours that can lead to harassment, including duty to accommodate, unconscious bias training. Include in employee orientation sessions and management training.

  Target timeline: launch by January 2019

- Where appropriate, departments to deliver training that is tailored to address regional, operational and public-facing roles. This can include formal training, information sessions, team discussions and workshops that bring together employees and managers.

  Target timeline: launch by March 2019

What will success look like?

- Victims, managers and bystanders know where to find tools and resources to support early conversations, address inappropriate behaviour, and seek outside advice when needed.

- Managers better understand their responsibility to build an inclusive workplace culture free from harassment. They feel equipped to address conflict in the workplace, with practical tools and knowledge of the supports available to them.

- Employees understand their role in creating a respectful workplace, how to recognize and address inappropriate behaviours, and where to go for advice and support.

ACTION AREAS

MAKING USE OF OUR DATA

Data is a valuable tool for improved and timely decision making. It helps to recognize early signals to identify where harassment may be occurring, or is at higher risk of occurring. Given that employees do not always feel safe or comfortable to bring forward incidents of harassment, qualitative and quantitative data can assist with recognizing where harassment might already be occurring to proactively provide supports in the workplace.

What we heard

- Harassment may be under-reported because employees worry about their confidentiality being protected. Analysis of data could help us to detect where there is greater risk of harassment, and help us to understand influencing factors, and potentially undertake targeted interventions.

- Harassment often stems from a single person and affects the morale of an entire team, with ripple effects that can be long-lasting. When harassment is occurring, restorative efforts may be needed to repair workplace morale.

Recommended actions

- Deputy Heads, supported by their heads of human resources, to use quantitative and qualitative tools to gain a clearer line of sight to areas where harassment is more likely to occur (i.e. drawing from survey data, turnover rates, pulse surveys, focus groups, exit interviews). Where signals that harassment have been occurring are identified, departments to probe further, intervene and take action.

  Target timeline: commencing immediately and ongoing

> “Where signals that harassment has been occurring are identified, departments to probe further, intervene and take action.”

- Heads of human resources to develop organizational skills to proactively analyze data and recommend intervention.

  Target timeline: commencing immediately and ongoing

What will success look like?

- Managers are able to detect harassment early and make targeted interventions.
- Once harassment has been identified, managers are able to more quickly deliver interventions and supports.
- Managers have tools to focus their efforts on improving workplaces.

LOOKING FORWARD

In this report, we have recommended early, targeted and concrete actions to enhance leadership and provide meaningful tools, training and supports.

We intend for these actions to result in tangible improvements—so that every employee knows where to go for help on harassment-related issues when they need it, and feels safe to do so. Improvements and lessons learned should be shared openly so that employees across departments can learn and benefit from what others are doing.

We have recommended timeframes and accountabilities for each recommendation. This means that there is an implementation plan embedded within our report. Our hope is that the advice and ideas we received can be converted into action quickly.

This report should not sit on the shelf. To be useful, it must be a catalyst for a conversation that is inclusive of diverse perspectives.

> “We encourage all public servants to continue to share your ideas with your leadership, discuss among your teams, learn from one another, and find ways to offer support.”

We encourage all public servants to continue to share your ideas with your leadership, discuss among your teams, learn from one another, and find ways to offer support.

ACKNOWLEDGMENTS

The Team would like to extend its appreciation to the following groups, who brought together groups of public servants to advise on the recommended actions:

- Association of Professional Executives of the Public Service of Canada (APEX)
- Executive Leadership Development Program, Canada School of Public Service
- Federal Employees with Disabilities
- Federal Youth Network
- Heads of Federal Agencies
- Human Resources Council Executive Committee
- National Managers Community
- Deputy Minister Network on Public Service Renewal

Deputy Minister Task Team on Harassment

- Nathalie Drouin – Justice Canada
- Paul Glover – Canadian Food Inspection Agency
- Jeffery Hutchinson – Canadian Coast Guard
- Andrea Lyon – Privy Council Office
- David Morrison – Global Affairs Canada
- Robert Orr – Canada School of Public Service
- Anne Marie Smart – Treasury Board of Canada Secretariat
- Janine Sherman – Privy Council Office
- Lori Sterling – Employment and Social Development Canada
- Jody Thomas – National Defence
- Peter Wallace – Treasury Board of Canada Secretariat
- Daniel Watson – Parks Canada

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ANNEX A

LEGISLATIVE FRAMEWORK ON HARASSMENT IN THE WORKPLACE[2]

Financial Administration Act

- Sets out our human resources management responsibilities as shared between deputy heads and Treasury Board.

- Treasury Board establishes policies or issues directions regarding the exercise of Deputy Head authorities and regarding the prevention of harassment in the workplace and the resolution of disputes.

- Deputy Head direct responsibilities relate to learning, training and development, standards of discipline and penalties and termination for reasons other than discipline.

Canadian Human Rights Act

- Provides that there shall be no discrimination or harassment on prohibited grounds (e.g. age, sex, sexual orientation, gender identity or expression, colour, religion, etc.); accommodation is required to the point of undue hardship.

Canada Labour Code, Part II

- Contains the general employer obligation to protect the occupational health and safety at work of employees, including protection from danger.

The Canada Occupational Health and Safety Regulations

- Addresses the prevention of violence in the workplace.

- Requires employers to take prescribed measures to prevent and protect against violence in the workplace (e.g. violence prevention policy and training).

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[2] Provided by Justice Canada

Bill C-65, An Act to amend the Canada Labour Code and other statutes (harassment and violence)

- Expands the current violence prevention requirements under Part II of the *Canada Labour Code* relating to employers' obligations to prevent and protect against violence and conduct investigations. It will include express reference to harassment. It will require employers to respond to occurrences of harassment and violence and offer support to affected employees.

- Will expressly require employers to record and report harassment and violence in accordance with the regulations.

- It adds protection for privacy.

Public Service Employment Act

- Deputy Head authority to consider deployment without consent where a person harassed another in the course of employment.

Federal Public Sector Labour Relations Act

- Grievance and adjudication regime, including grievances for any matter affecting terms or conditions of employment, relating to the application of collective agreements, discipline, etc.

Public Servants Disclosure Protection Act

- Disclosure of wrongdoing—harassment may be raised in the context of the definition of wrongdoing in the Act—e.g. an act that creates a substantial and specific danger to life, health or safety or a serious breach of a code of conduct.

- Protection against reprisal where an employee has disclosed a wrongdoing; potential for discipline against a person found to have committed reprisal.

- Deputy Head requirement to establish codes of conduct and establish internal procedures to manage disclosures.

- Deputy Head authority to temporarily assign other duties to a public servant involved in a disclosure or complaint under certain circumstances (involvement has become known in the workplace or the temporary assignment is necessary to maintain the effective operation of the workplace).

Government Employees Compensation Act

- Compensation regime for workplace accidents and illnesses.

POLICY FRAMEWORK ON HARASSMENT IN THE WORKPLACE AND RECOURSE MECHANISMS[3]

Treasury Board Policy on Harassment Prevention and Resolution and the Directive on the Harassment Complaint Process

- Stresses the responsibility of Deputy Heads to maintain a respectful and harassment-free workplace, to act on all forms of harassment (sexual or otherwise) and establish a harassment complaint process.

Treasury Board Policy on Government Security

- Key expected result is that employees are protected against workplace violence.

Collective agreements/terms and conditions of employment

- Contain provisions relating to sexual harassment.

Values and Ethics Code

- It is a fundamental obligation of all employees to treat all people with respect, dignity and fairness.

Informal Conflict Management System

- Required under the *Federal Public Sector Labour Relations Act.*

- Introduces a systematic approach to preventing conflict escalation by managing and resolving conflicts in the workplace quickly and constructively.

Policy on Employee Assistance Program

- Objective is to foster and maintain the well-being and productivity of employees by providing confidential assistance or short-term counselling to those who are experiencing personal or work-related problems.

Policy on Learning, Training and Development

- Managers at all levels and Deputy Heads are responsible for ensuring the timely completion of training that supports departmental priorities and the government's management improvement objectives and the best interest of the Public Service.

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[3] Provided by Justice Canada

There are six key recourse mechanisms:

- **Harassment complaint under Treasury Board of Canada Secretariat** Policy on Harassment Prevention and Resolution

- **Harassment/discrimination grievances under the applicable collective agreement (or terms and conditions of employment for unrepresented and excluded employees who do not form part of a bargaining unit)**

- **Complaint under the *Canadian Human Rights Act***

- **Workplace violence complaint under the *Canada Occupational Health and Safety Regulations* (Part II of the *Canada Labour Code*)**

- **Work refusal (regarding danger) under the *Canada Labour Code***

- **Disclosure of wrongdoing (senior officer/Office of the Public Service Integrity**